

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL,

Petitioner,

No. CIV S-01-0507 LKK KJM

vs.

DEATH PENALTY CASE

ROBERT L. AYERS, Jr.,
Warden of San Quentin
State Prison,

Respondent.

ORDER

On January 20, 2010 the undersigned held a scheduling conference. Robert Bacon, Tivon Schardl and Joan Fisher appeared telephonically for petitioner. Paul Bernardino and Heather Gimle appeared telephonically for respondent. After considering the parties' briefs regarding petitioner's December 23, 2009 Motion for Extensions of Time, the January 11, 2010 Joint Statement, the status of petitioner's August 12, 2009 Motion for Reconsideration of this court's ruling on respondent's Motion to Depose Petitioner, the court's fairly recent approval of funding for one of petitioner's experts, and the argument of counsel during the conference, the court finds good cause to continue the dates set out in the August 7, 2009 scheduling order.

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1 Accordingly, IT IS HEREBY ORDERED as follows:

2 1. By March 6, 2010, respondent shall file and serve a summary of petitioner's
3 proposed testimony. This date, and subsequent related dates, may be continued if respondent is
4 unable to depose petitioner in time to meet this date.

5 2. By April 6, 2010, the parties shall file and serve the following:

6 a. a list of any rebuttal witnesses,
7 b. a list of witnesses whose direct testimony that party proposes to proffer
8 by declarations, and copies of the declarations, and
9 c. the expert disclosures required by Federal Rule of Civil Procedure
10 26(a)(2).

11 3. By May 6, 2010, the parties shall file and serve the disclosures required by
12 Rule 26(a)(2) for any rebuttal experts.

13 4. On May 19, 2010, the undersigned will hold a status conference to discuss
14 which witnesses' testimony will be taken by declaration or deposition.

15 5. By June 7, 2010, the parties shall file any discovery-related motions, except
16 motions to compel. The moving party may seek a hearing on shortened time. The parties shall
17 confer and, if necessary, file a Joint Statement re Discovery Disagreement as set out in Local
18 Rule 251. Any Joint Statement shall be filed at least three court days before the hearing.

19 6. By July 2, 2010, the parties shall file any non-discovery pre-hearing motions.

20 7. By July 30, 2010, the parties shall complete all discovery. Any motions to
21 compel shall be filed so as to be heard no later than July 23, 2010. A party making a motion to
22 compel may seek a hearing on shortened time.

23 8. By July 30, 2010, the parties shall have completed taking all out-of-court
24 testimony.

25 9. On August 2, 2010, at 10:00 a.m. the undersigned will hold a pre-hearing
26 conference.

1 10. The evidentiary hearing currently set to begin on May 10, 2010 is continued
2 to August 9, 2010.

3 DATED: January 22, 2010.

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6 U.S. MAGISTRATE JUDGE
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